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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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September 11, 2013

Patrick F. Kennedy
Under Secretary for Management
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Kennedy:

We are writing regarding your testimony relating to the security of the U.S. Embassy in Kabul, Afghanistan at the Subcommittee's July 16, 2013, hearing on wartime contracting.

As you know, the Subcommittee began its oversight of problems with contracts for the guard force at the U.S. Embassy in Kabul in early 2009. On June 10, 2009, the Subcommittee held a hearing on security contracts at the Embassy, which revealed that the State Department had found that deficiencies by the contractor ArmorGroup had endangered performance of the contract to such a degree that the security the embassy was in jeopardy. Since that hearing, the Subcommittee has sent multiple letters and received regular briefings from Department staff related to the security of the Embassy, the most recent of which occurred on July 10, 2013.

At the July 16, 2013 hearing, in response to questions regarding the security of the Embassy, you testified that, "currently in Kabul, we have a well-managed, effectively functioning contract that provides security to protect our people and facilities."¹ You further testified:

There have been two direct attacks on our embassy compound in Kabul during the tenure of this current contractor. Both of those attacks were rebuffed and the contractor, along with the diplomatic security colleagues there performed superbly. . . . And so part of it is the proof is in the pudding. We were attacked and we warded off those attack[s] with no injuries to U.S. government personnel on our compound.²

On September 9, 2013, the Project on Government Oversight (POGO) released a report finding ongoing security issues at the Kabul Embassy and inconsistencies with the testimony you

¹ Subcommittee on Financial and Contracting Oversight Hearing, *Implementation of Wartime Contracting Reform*, 113th Cong. (July 16, 2013).

² Subcommittee on Financial and Contracting Oversight Hearing, *Implementation of Wartime Contracting Reform*, 113th Cong. (July 16, 2013).

provided to the Subcommittee. Documents obtained by POGO from the current Embassy security contractor, Aegis, appear to show that Aegis was often unable to meet the necessary staffing levels required by its contract with the Department. These deficiencies included shortages of the protective guard force, medics, and Emergency Response Team members on both the day and night shifts. POGO also reported that an independent panel on diplomatic security found that the Department routinely condoned exceptions to its own standards by providing waivers to contractors who fail to adequately perform contracts.³

In addition, POGO reported that they could not obtain evidence of the two attacks on the Embassy compound that you referenced in your testimony. In response to a POGO request, Department staff confirmed that two attacks had occurred on the Embassy, but neither took place during the tenure of the current contractor, as you testified. Department staff also provided information regarding two attacks which occurred during the tenure of the current contractor, but neither of which occurred on the Embassy compound.⁴

We request that you provide the Subcommittee with an explanation of how Aegis' contract performance is well-managed and effectively functioning in providing security to the Kabul Embassy despite persistent staffing shortages. We also request that you provide the Subcommittee with information on any performance waivers received by Aegis or other contractors responsible for security at high-risk embassies since September 11, 2001. In addition, we request that you provide a detailed explanation of any inaccuracies or inconsistencies in the testimony you gave to the Subcommittee or in information previously provided to the Subcommittee related to the security of the Embassy. We request that you provide this information on or before **September 18, 2013**.

The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 73 (111th Congress). An attachment to this letter provides additional information about how to respond to the Subcommittee's request.

Please contact Cathy Yu with the Subcommittee staff at (202) 224-9383 with any questions. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

³ Project on Government Oversight, *Benghazi Ignored: New Evidence Exposes Gaps in Kabul Embassy Security* (September 9, 2013) (online at <http://www.pogo.org/our-work/articles/2013/Benghazi-Ignored-New-Evidence-Exposes-Gaps-in-Kabul-Embassy-Security.html>).

⁴ Project on Government Oversight, *State Department Gives Misleading Testimony to Senate* (September 9, 2013) (online at <http://www.pogo.org/our-work/articles/2013/state-department-gives-misleading-testimony-to-senate.html>).

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial
and Contracting Oversight



Ron Johnson
Ranking Member
Subcommittee on Financial
and Contracting Oversight